

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

AYYAKKANNU MANIVANNAN, :

Plaintiff : CIVIL ACTION NO. 4:21-1359

v. : (JUDGE MANNION)

**COUNTY OF CENTRE, :
PENNSYLVANIA, et al., :**

Defendants :

ORDER

In accordance with this Court's memorandum issued this same day,

IT IS HEREBY ORDERED THAT:

- (1) Judge Schwab's report and recommendation, (Doc. 55), is ADOPTED IN ITS ENTIRETY.**
- (2) The defendants' motions to dismiss, (Docs. 34, 36, 37 & 43), are GRANTED, IN PART, and DENIED, IN PART.**
- (3) Defendant Attorney Megan McGoron's motion to dismiss, (Doc. 34) as to Plaintiff's §1983 failure to intervene claim (Count IV) is GRANTED.**
- (4) Defendant McGoron's motion to dismiss, (Doc. 34), as to Plaintiff's claims for §1983 malicious prosecution (Count I), §1983 due process (Count II), §1983 civil rights conspiracy (Count III), state law malicious prosecution (Count VII), and state law civil conspiracy (Count VIII) is DENIED.**

- (5) Defendant Centre County's motion to dismiss, (Doc. 36), as to Plaintiff's §1983 Monell claim (Count V) is **GRANTED** without prejudice to Plaintiff amending this claim.
- (6) Defendants Faith Beck and Partha Mishra's motion to dismiss, (Doc. 37), as to Plaintiff's state law malicious prosecution (Count VII) and state law civil conspiracy (Count VIII) claims is **DENIED**.
- (7) Defendant Pennsylvania State University's motion to dismiss, (Doc. 43), as to Plaintiff's §1983 Monell claim (Count V) is **GRANTED** without prejudice to Plaintiff amending this claim.
- (8) Defendant Officer Jessica Meyer's motion to dismiss, (Doc. 43) as to Plaintiff's §1983 failure to intervene claim (Count IV) is **GRANTED**. Plaintiff's §1983 failure to intervene claim (Count IV) is **DISMISSED** with prejudice.
- (9) Defendant Meyer's motion to dismiss, (Doc. 43), as to Plaintiff's claims for §1983 malicious prosecution (Count I), §1983 due process (Count II), §1983 civil rights conspiracy (Count III), state law malicious prosecution (Count VII), and state law civil conspiracy (Count VIII) is **DENIED**.
- (10) The case is referred back to Judge Schwab for further case management.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: January 12, 2023

21-1359-01-ORDER